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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,678	10/07/1999	YASUhide KOBAYASHI	450127-02261	3707

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745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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CAPRON, AARON J

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/09/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/414,678

Applicant(s)

KOBAYASHI ET AL.

Examiner

Aaron J. Capron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 1-12, 18-29 and 35-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-17, 30-34 and 42-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This is a response to the Amendment received on April 18, 2003, in which claims 13, 16, 30, 33, 42 and 45 were amended. Claims 13-17, 30-34 and 42-46 are pending.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13-17, 30-34 and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn (U.S. Patent No. 6,104,815; hereafter "Alcorn '815") in view of Alcorn (U.S. Patent No. 5,643,086; hereafter "Alcorn '086") further in view of Arbaugh et al (U.S. Patent No. 6,185,678; hereafter "Arbaugh"). Alcorn's '815 disclosure specifically states using the features of Alcorn '086 (6:60-63).

Alcorn '815 in view of Alcorn '086 disclose an entertainment system comprising an entertainment apparatus (Alcorn '815:laptop casino host server), a portable information terminal detachably (Alcorn '815:laptop—3:65-4:3) connected to the host server, wherein illegal copying prevention means for periodically determining whether legitimate information has been downloaded from the entertainment apparatus (Alcorn '815:laptop 4:9-12 and 10:8-17; Alcorn '086 4:49-54), and if legitimate information has not been downloaded, making ineffective at least control inputs (Alcorn '815:laptop bets at the website and 10:8-17) entered into the portable information terminal, the illegal copying prevention means comprising authenticating means but

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does not disclose using identification determining means for determining whether a medium identification code which has been downloaded from the master gaming unit is a predetermined medium identification code or not, the medium identification code identifying a medium containing at least one program executable in the portable information terminal. However, Arbaugh discloses identification determining means for determining whether a medium identification code which has been downloaded from the master gaming unit is a predetermined medium identification code or not, the medium identification code identifying a medium containing at least one program executable in the information terminal wherein one or more of the program has been downloaded from the source medium through the master unit and stored in the information terminal (4:33-5:26, esp 4:40-51). The use of the medium identification code is an extra security features that could detract possible offenders from illegally copying information. The two references are analogous since both refer to remote devices in communication with a master device that determines whether the remote devices are authorized. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Arbaugh's medium identification means into the invention, as suggested by Alcorn '815 in view of Alcorn '086, in order to detract possible offenders from illegally copying information.

Referring to claim 31, Alcorn '815 discloses an entertainment system wherein the illegal copying prevention means comprises means for making effective again control inputs (bets) entered into the portable information terminal if legitimate information (correct time and location) has been downloaded from the entertainment apparatus after control inputs (continue betting) entered into the portable information terminal have been made ineffective.

Referring to claim 32, Alcorn '815 and Alcorn '086 disclose an entertainment system wherein the downloading monitoring means for registering the date of an instance of downloading of data (Alcorn '815:laptop user downloads information from website to place bets; Alcorn '086: 4:49-58), and periodic download determining means for periodically determining whether data has been downloaded (Alcorn '086 4:49-58).

Referring to claim 33, Alcorn '815 and Alcorn '086 in view of Arbaugh disclose an entertainment system wherein preprocessing means for storing the date in a first memory area (Alcorn '815:laptop time for legalized betting in certain locations), download detecting means for detecting whether data has been downloaded (Alcorn '086: access to the host for the casino game) and registering means for setting a flag indicative of the download if the downloaded medium identification is the predetermined medium identification and registering the date in a second memory area (Alcorn '086: 2:32-41 and 4:20-58).

Referring to claim 34, Alcorn '815 discloses an entertainment system wherein effective/ineffective determining means for determining whether the date stored in the first and second memory areas are effective/ineffective (current time of user vs. time for legalized betting time in user's location), and making at least control inputs ineffective if the stored present data are ineffective (user cannot place bet at website), elapsed time determining means for determining whether a predetermined period has elapsed on the basis of the present date stored in the first and second memory areas (current time of user has surpasses the legalized betting time in user's location), and flag determining means for determining whether the flag has been set if the predetermined period has elapsed, making at least control inputs ineffective if the flag has not

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been set, and resetting the flag if the flag has been set (letting the user bet once the user's current time reaches the time for legalized betting time in user's location).

Claims 13-17 correspond in scope to a terminal set forth for use of the system listed in claims 30-34 and are encompassed by use as set forth in the rejection above.

Claims 42-46 correspond in scope to a recording medium set forth for use of the system listed in claims 30-34 and are encompassed by use as set forth in the rejection above.

### ***Response to Arguments***

Applicant's arguments with respect to claims 13-17, 30-34 and 42-46 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chess et al. (US Patent No 5,802,592) discloses a system of method for protecting integrity of alterable ROM using digital signatures.

McCall et al. (US Patent No 6,317,826) discloses a method of booting a computer system from a network.

Lovelace et al. (US Patent No 6,263,431) discloses an operating system bootstrap security mechanism.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc  
May 1, 2003

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700